

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ANDREW THOMAS,)
Petitioner,)
v.) Case No. 2:12-2333-JPM
WAYNE CARPENTER, Warden,)
Respondent.)

RESPONDENT'S MOTION FOR SUMMARY JUDGMENT

In compliance with the scheduling order governing this case, the respondent hereby moves for summary judgment in his favor as to all claims in the petition. In support therefore, the respondent refers this Court to his attached memorandum of law and asserts that there is no genuine issue of material fact and the respondent is entitled to judgment as a matter of law as to each claim.

WHEREFORE, respondent requests that this Court grant him judgment as a matter of law as to the petition.

Respectfully submitted,

ROBERT E. COOPER, JR.
Tennessee Attorney General

/s/ Andrew Hamilton Smith
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Memorandum in Support of Summary Judgment has been filed with the Court's electronic filing system, which will forward a copy of the same to the petitioner's counsels: Robert Hutton, Glankler Brown, PLLC, 6000 Poplar Ave. Ste 400, Memphis TN 38119, and Thomas Lane, Winston & Strawn, LLP, 200 Park Ave. New York, NY 10166, on the 16th day of April, 2014.

/s/ Andrew Hamilton Smith
ANDREW HAMILTON SMITH